

REMARKS

This is intended as a full and complete response to the Restriction Requirement dated February 9, 2007, having a shortened statutory period for response set to expire on March 11, 2007. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-43 are pending in the application. Claims 1-12, 15-19, 24-35 and 38-43 remain pending following entry of this response. Claims 24-35 and 38-42 have been amended in the preamble. Claims 13, 14, 20-23, 36 and 37 have been cancelled. Applicants submit that the amendments do not introduce new matter.

Election/Restrictions

The Office Action indicates that the application contains claims directed to the following patentably distinct species:

Species a drawn to figures 1 and 2,

Species b drawn to figures 1 and 3,

Species c drawn to figures 1 and 4,

Species d drawn to figures 1 and 5;

The above species of display with one of the displaying method below:

Species aa drawn to figures 6,

Species bb drawn to figures 7;

The above species of display with one of the displaying method with one of process below:

Species aaa drawn to figures 8,

Species bbb drawn to figures 9.

The Examiner states that:

"The species are independent or distinct because they are different embodiments.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic."

Applicants provisionally elect, with traverse, the claims directed to species b / species aa for examination. Applicants submits that claims 1-3, 6-12, 15-19, 24-26, 29-35 and 38-43 are readable on the elected species.

There are two criteria for a proper requirement for restriction between patentably distinct inventions: (A) The inventions must be independent; and (B) There must be a serious burden on the examiner if restriction is required. (MPEP § 803). Applicants submit that the Examiner has not properly established or satisfied the criteria for a proper requirement for restriction with respect to the species a, b, c and d as identified by the Examiner.

As stated in MPEP §806.04(b):

“Species may be either independent or related under the particular disclosure. Where species under a claimed genus are not connected in any of design, operation, or effect under the disclosure, the species are independent inventions. See MPEP §802.01 and §806.06. Where inventions as disclosed and claimed are both (A) species under a claimed genus and (B) related, then the question of restriction must be determined by both the practice applicable to election of species and the practice applicable to other types of restrictions such as those covered in MPEP §806.05 - §806.05(j). If restriction is improper under either practice, it should not be required.”

Applicants respectfully submit that species a, b, c and d, as categorized by the Examiner, are connected in design, operation, or effect, as evidenced by the disclosure. For example, as disclosed in paragraph [0039], Figs. 2-5 illustrate hover elements 310 (in Fig. 3), 410 (in Fig. 4) and 510 (in Fig. 5) with increasing hover assistance detail levels, wherein each of the hover elements 310, 410 and 510 provides more detail or functionality regarding the pushbutton 210 (in Fig 2) relative to a previous hover element. Therefore, species a, b, c and d are not independent inventions, but rather are related inventions.

Furthermore, Applicants submit that each of the independent claims (i.e., claims 1, 20, 24, and 43) represent a genus claim that is directed to each of the species a, b, c and d. Therefore, Applicants submit that the Examiner has not properly established or

satisfied the criteria for a proper requirement for restriction with respect to species a, b, c and d.

Applicants respectfully request withdrawal of the restriction requirement regarding species a, b, c and d, and request examination of claims 1-12, 15-19, 24-35 and 38-43 which read on elected species aa (Figure 6).

Since claims 13, 14, 20-23, 36 and 37 have been canceled, Applicants believe that the restriction requirement regarding species bb, aaa and bbb, as categorized by the Examiner, has been rendered moot in view of the canceled claims.

Having addressed all issues set out in the Restriction Requirement, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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